

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LARRY GENE HEGGEM,	)	
	)	CASE NO. C10-1997-RSM-MAT
Plaintiff,	)	
	)	
v.	)	ORDER DENYING PLAINTIFF'S
	)	MOTION FOR APPOINTMENT OF
ANDREA HOLMES, et al.	)	COUNSEL
	)	
Defendants.	)	
_____	)	

Plaintiff Larry Gene Heggem moves for appointment of counsel to represent him in his 42 U.S.C. § 1983 civil-rights action. (Dkt. 15.) Having considered the papers and the entire record, the Court DENIES his motion for appointment of counsel.

Generally, a person has no right to counsel in civil actions. *See Campbell v. Burt*, 141 F.3d 927, 931 (9th Cir. 1998). A court has discretion to appoint counsel for indigent civil litigants pursuant to 28 U.S.C. § 1915(e)(1), but an appointment of counsel should only be granted under “exceptional circumstances.” *Agyeman v. Corrections Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004). When determining whether “exceptional circumstances” exist, the Court considers “the likelihood of success on the merits as well as the ability of the [plaintiff] to

01 articulate his claims pro se in light of the complexity of the legal issues involved.” *Weygant*  
02 *v. Look*, 718 F.2d 952, 954 (9th Cir.1983).

03 Plaintiff alleges that three reasons justify appointment of counsel: (1) he has no access  
04 to the law library; (2) he has no way to make copy of his documents and lacks legal knowledge;  
05 and (3) he is ill with cancer. (Dkt. 15, at 1.) The Court finds that these alleged reasons do not  
06 constitute exceptional circumstances that warrant appointment of counsel. Plaintiff has failed  
07 to demonstrate a likelihood of success on the merits, and he has shown proficiency in  
08 articulating claims of deliberate indifference to serious medical needs and denial of due  
09 process. Furthermore, the Court notes that none of plaintiff’s stated concerns have impeded  
10 his ability to file in this district over the past several months three pending civil-rights cases  
11 and letters requesting copies in two other closed cases. *See* No. 11-337-MJP-MAT (opened  
12 Feb. 24, 2011); C10-1997-RSM-MAT (present matter, opened Dec. 9, 2010); No.  
13 C10-1724-RSL-JPD (opened Oct. 22, 2010); No. 07-1143-RAJ (letter filed Oct. 29, 2010); No.  
14 C09-311-JCC (letter filed Oct. 18, 2010). Plaintiff’s motion for appointment of counsel (Dkt.  
15 23) is DENIED.

16 DATED this 1st day of March, 2011.

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19 Mary Alice Theiler  
20 United States Magistrate Judge  
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